

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PATAGON MANAGEMENT LLC,

Plaintiff,

-against-

WEI “MAX” WU,

Defendant.

Case No. 1:23-cv-02742-VM

Hon. Victor Marrero

**DECLARATION OF WILL M. CONLEY
IN SUPPORT OF PLAINTIFF’S EX
PARTE APPLICATION BY ORDER TO
SHOW CAUSE FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION, AND
ORDER GRANTING ALTERNATIVE
SERVICE**

Will M. Conley, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am an associate with the law firm of Perkins Coie LLP and have been retained as counsel for Plaintiff Patagon Management LLC (“Plaintiff”). In this capacity and unless otherwise stated, I have personal knowledge of the facts stated herein. I am over the age of 18 and, if called as a witness, could testify competently to those facts based upon that knowledge.

2. On January 3, 2023, a demand letter was sent from my office to Defendant Wei “Max” Wu (“Defendant”) at two email addresses that are associated with Spartacus DAO: maxawei@gmail.com and spartacusfinance@gmail.com. A true and correct copy of the demand letter and transmittal email are attached hereto as **Exhibit A**.

3. To date, no response to this email has been received.

4. On March 31, 2023, Plaintiff filed a Complaint (Docket No. 1) against Defendant in this court.

5. According to open-source research, including reports retrieved from LexisNexis®, Defendant’s last known address is 4313 S. Oregon Ct., Chandler, Arizona 85248.

6. On April 7, 2023, at approximately 9:07 PM Arizona local time, according to Capitol Process Services, Inc., that entity attempted to serve the Complaint on Defendant at the above-noted address. The process server observed an adult of Asian descent inside the home who started to approach the door; however, this individual then walked away and refused to answer, even after the process server identified himself. The process server observed that the residence appeared dark inside as if this person were home alone.

7. On April 9, 2023, at approximately 2:46 PM Arizona local time, according to Capitol Process Services, Inc., that entity attempted to serve the Complaint on Defendant at the above-noted address. A woman of Asian descent answered the door. She informed the process server that she and “Max” (the Defendant) had divorced seven years prior, that he no longer resided at that address, and that she did not have a forwarding address for him. She made it clear to the server that she would not assist in providing information on Defendant’s whereabouts for service of process.

8. A true and correct copy of an Affidavit of Due Diligence executed by the Arizona process server regarding the attempted service at 4313 S. Oregon Ct. is attached hereto as **Exhibit B**.

9. Maricopa County records confirm that Defendant was divorced in 2016, and that his former spouse’s name matches that of the current homeowner of the Oregon Ct. address.

10. Upon determining that service could not be completed at the Arizona address, an attempt was made to serve Defendant at two additional addresses provided by LexisNexis® as prior known addresses of Defendant, namely, 500 Broadway, Apt. 3160, Malden, Massachusetts, 02148, and 60 Wadsworth St., Apt. 2H, Cambridge, Massachusetts, 02142.

11. On April 21, 2023, at approximately 1:52 PM EST, according to Capitol Process Services, Inc., that entity attempted to serve the Complaint on Defendant at 500 Broadway, Apt. 3160, Malden, Massachusetts, 02148. This location is a restricted access multi-unit building. When the process server called up to the unit purportedly associated with Defendant, the occupant who answered stated they had never heard of Defendant before. Further, the process server was unable to locate Defendant's name on the building's directory.¹

12. On April 21, 2023, at approximately 3:13 PM EST, according to Capitol Process Services, Inc., that entity attempted to serve the Complaint on Defendant at 60 Wadsworth St., Apt. 2H, Cambridge, Massachusetts, 02142. Upon arrival, the process server found that the building previously located at that address had been torn down and was under reconstruction.

13. A true and correct copy of an Affidavit of Due Diligence executed by the Massachusetts process server regarding the attempted service at 60 Wadsworth St. is attached hereto as **Exhibit C**.

14. I have been unable to locate any further verifiable evidence via open-source research of Defendant's presence in the United States since 2016.

15. Upon information and belief, Defendant attended Peking University in Beijing, China from approximately 1998 to 2002, and immigrated to the United States in or around 2002 to pursue further education. Further, analysis of recent Discord activity by the user known as "Spartacus" primarily involve posts made during hours of the night which would indicate the user is in a non-U.S., potentially China-based time zone.

16. Based on the above, I have reason to believe Defendant may have left the United States, most likely to return to China, and that service through traditional means may be

¹ An executed Affidavit of Due Diligence from the Massachusetts process server regarding this attempted service is pending as of the date of this filing.


challenging if not impossible. I am unable to locate contact information for Defendant in China, and I am not aware of (and have no way to obtain) any information that could be used by process servers to locate Defendant in China, such as a Resident Identity Card number or last known address. Capitol Process Services, Inc. has confirmed they are also unable to do international skip tracing to locate Defendant abroad.

17. Despite the diligent efforts described above, physical service on Defendant has not been possible and the only known recent contact information for Defendant is via email.

18. No previous application for similar relief has been made in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 26, 2023, in Austin, Texas.


Will M. Conley